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12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) NO. 21-MJ-70319-MAG
17 Plaintiff,)
18 v.) STIPULATION AND [PROPOSED] ORDER
19 JOSE OCHOA GUTIERREZ,) EXCLUDING TIME UNDER THE SPEEDY TRIAL
20 Defendant.) ACT AND FEDERAL RULE OF CRIMINAL
21) PROCEDURE 5.1(c) AND (d)
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29 A status conference in this matter is scheduled for August 26, 2021. Counsel for the United
30 States and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the that the
31 status conference be continued to August 27, 2021 at 1:00 pm before Magistrate Virginia K. DeMarchi
32 and time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act
33 from August 26, 2021 to August 27, 2021.

34 The government and counsel for the defendant have agreed that time be excluded under Federal
35 Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to
36 prepare. For these reasons, the parties stipulate and agree that excluding time until August 27, 2021,
37 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and

38 STIPULATION TO EXCLUDE TIME
39 AND [PROPOSED] ORDER
40 21-MJ-70319-MAG

1 (d). The parties further stipulate and agree that the ends of justice served by excluding time from
2 August 26, 2021 to August 27, 2021, from computation under the Speedy Trial Act and Federal Rule of
3 Criminal Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy
4 trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

5 The undersigned Assistant United States Attorney certifies that she has obtained approval from
6 counsel for the defendant to file this stipulation, request, and proposed order.

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8 IT IS SO STIPULATED.

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10 DATED: August 26, 2021

/s/ Molly K. Priedeman
MOLLY K. PRIEDEMAN
Assistant United States Attorney

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12 DATED: August 26, 2021

/s/ Miranda Kane
MIRANDA KANE
Attorney for the Defendant

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STIPULATION TO EXCLUDE TIME
AND [PROPOSED] ORDER

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PROPOSED ORDER

2 Based upon the representations of counsel and for good cause shown, the Court finds that failing
3 to exclude the time from August 26, 2021 to August 27, 2021, would unreasonably deny defense
4 counsel and the defendant the reasonable time necessary for effective preparation and continuity of
5 counsel, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court
6 further finds that the ends of justice served by excluding the time from August 26, 2021 to August 27,
7 2021, from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and
8 (d) outweighs the best interests of the public and the defendant in a speedy trial. Therefore, and with the
9 consent of the parties, IT IS HEREBY ORDERED that the time from August 26, 2021 to August 27,
10 2021, shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal
11 Procedure 5.1(c) and (d) and the status conference shall be continued to August 27, 2021 at 1:00 pm
12 before Magistrate Judge Virginia K. DeMarchi. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

IT IS SO ORDERED.

DATED: August 25, 2021

Virginia K. DeMarchi
THE HONORABLE VIRGINIA DEMARCHI
United States Magistrate Judge